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ORDER ON ORAL MOTION

January 20, 2009

VIA ELECTRONIC FILING

Claire C. Cecchi, U.S.M.J.
US District Court
Martin Luther King, Jr. Federal Building
and Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Van vs. Borough of Dumont Police Department, et al.
Civil Action: 05-5595 (JLL)

Dear Magistrate Cecchi:

As you know this office has been retained to represent Detective John Centrello and the Borough of Dumont Police Department in the above-captioned matter. We write to respectfully request a telephonic conference with your Honor to discuss remaining discovery and an extension of same for the reasons set forth below.

In accordance with the Sixth Amended Pretrial Scheduling Order that your Honor signed on September 30, 2008, all fact discovery is set to end on January 23, 2009. Unfortunately, due to scheduling conflicts, the parties have been unable to take the deposition of James Lanari. By way of *Subpoena Ad Testificandum* dated December 11, 2008, this office scheduled Mr. Lanari's deposition for Monday, December 29, 2008. However, said deposition did not go forward due to Mr. Rainone's unavailability. Since that time, this office has spoken with Mr. Lanari on several occasions. Initially, Mr. Lanari stated he would not be available until March. However, after further discussion, Mr. Lanari stated that, although he would make himself available prior to the discovery end date, his availability is limited to Mondays. Of course, in the event that Det. Centrello's pending Motion for Summary Judgment is granted, this deposition will no longer be necessary.

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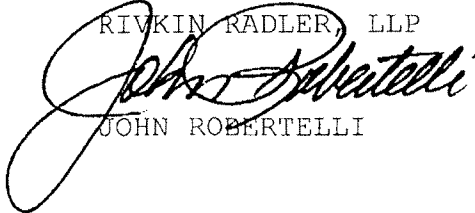


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This office then presented Mr. Lanari's availability to all counsel and requested a date wherein they were available. This office was informed that the first date wherein all parties are available is March 16, 2009. Accordingly, we respectfully request a telephonic conference to discuss extending discovery to accomplish this deposition.

We thank you for courtesies and consideration.

Respectfully requested,

RIVKIN RADLER, LLP

JOHN ROBERTELLI

cc: All Counsel on Attached List (Via Facsimile)

Mr. Lanari shall be deposed on March 16, 2009. To the extent there are any outstanding discovery issues in this matter, the parties are hereby ordered to meet and confer and to submit a proposed scheduling order to the court within fourteen (14) days of the date of this order.

SO ORDERED

 s/Claire C. Cecchi

Claire C. Cecchi, U.S.M.J.

Date: 2/23/09

Van v. Borough of Dumont Police Dept/John Centrello

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